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Translation

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>P20689WO</b>	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. <b>PCT/EP2004/050284</b>	International filing date ( <i>day/month/year</i> ) <b>10.03.2004</b>	Priority date ( <i>day/month/year</i> ) <b>29.03.2003</b>
International Patent Classification (IPC) or national classification and IPC		
<b>Applicant</b> <b>GRILLO-WERKE AG</b>		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p>	<p>a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <u>3</u> sheets, as follows:</p>	<p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p>	<p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>
<p>4. This report contains indications relating to the following items:</p>	<p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input checked="" type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>		

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/050284

## Box No. I

## Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- This report is based on translations from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of:
- international search (Rule 12.3 and 23.1(b))
  - publication of the international application (Rule 12.4)
  - international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

- the international application as originally filed/furnished  
 the description:

pages 1-10 as originally filed/furnished

pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

- the claims:

nos. \_\_\_\_\_ as originally filed/furnished

nos.\* \_\_\_\_\_ as amended (together with any statement) under Article 19  
29.04.2005 with the letter of 28.04.2005

nos.\* 1-11 received by this Authority on letter of 28.04.2005

nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

- the drawings:

sheets \_\_\_\_\_ as originally filed/furnished

sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

- a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3.  The amendments have resulted in the cancellation of:

- the description, pages \_\_\_\_\_
- the claims, nos. \_\_\_\_\_
- the drawings, sheets/figs \_\_\_\_\_
- the sequence listing (*specify*): \_\_\_\_\_
- any table(s) related to sequence listing (*specify*): \_\_\_\_\_

4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- the description, pages \_\_\_\_\_
- the claims, nos. \_\_\_\_\_
- the drawings, sheets/figs \_\_\_\_\_
- the sequence listing (*specify*): \_\_\_\_\_
- any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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## 1. Statement

Novelty (N)	Claims	6, 10	YES
	Claims	1-5, 7-8, 9, 11	NO
Inventive step (IS)	Claims		YES
	Claims	1-11	NO
Industrial applicability (IA)	Claims	1-11	YES
	Claims		NO

## 2. Citations and explanations (Rule 70.7)

This report makes reference to the following documents (D) :

- D1: EP-A-1 195 219 (INOCON TECHNOLOGIE GMBH)  
10 April 2002 (2002-04-10)
- D2: EP-A-0 498 154 (MUELLER ERNST KG; WINKLER  
CHRISTA (DE)) 12 August 1992 (1992-08-12)
- D3: DE 198 49 510 A (MESSER GRIESHEIM GMBH) 4 May  
2000 (2000-05-04)
- D4: DE 100 17 453 A (AUDI NSU AUTO UNION AG)  
25 October 2001 (2001-10-25)
- D5: FR-A-2 815 562 (AIR LIQUIDE) 26 April 2002  
(2002-04-26)
- D6: DE 100 57 180 A (GEA ENERGIETECHNIK GMBH)  
9 August 2001 (2001-08-09)

1. The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claims 1 and 9 lacks novelty (PCT Article 33(2)); see D1, claim 1 and column 3, line 56 to column 4, line 15.

The applicant should note that in D1 the two

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Box No. V

**Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

workpieces are connected by the additional alloy; see D1, figures 1-2 and 5-8, i.e. D1 discloses a method for inert gas soldering or welding.

The applicant should also note that a wire diameter of 0.8 to 3.2 mm is a conventional wire diameter for inert gas welding or inert gas soldering; see, for example, D3 or D5.

Document D4 also discloses a method such as is defined in claim 1 and the use of a wire such as is defined in claim 9.

The applicant should note that the use of an inert gas is a conventional measure for protecting the welding or soldering joint; see, for example D1, column 2, lines 27-39.

2. Dependent claims 2-8 and 10-11 do not appear to contain any additional features which, in combination with the features of any claim to which claims 2-8 refer back, meet the PCT requirements for novelty and inventive step (PCT Article 33(2) and (3)).
  - 2.1 The subject matter of claims 2-5 and 7-8 lacks novelty; see D1.
  - 2.2 The subject matter of claim 6 is not inventive; see D2, column 1.
  - 2.3 The subject matter of claim 10 is not inventive;

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

see D2.

- 2.4 The subject matter of claim 11 lacks novelty because a solid wire or a filler wire is a conventional form of wire for inert gas welding or inert gas soldering.

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**Box No. VII      Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

Contrary to PCT Rule 5.1(a)(ii), the description does not cite documents D1 and D4 or indicate the relevant prior art disclosed therein.